In the High Court of Uttaranchal, at Nainital.
Criminal Writ Petition No. 509(M/B)/2005

Sudesh Kumar S/o Jhandu Singh
R/o Village Bahadarpur Khadar
P.S. Laksar District Haridwar … Petitioner.

Vs.

1- State of Uttaranchal through Secretary
Home, Secretariat Complex, Dehradun.
2- Senior Superintendent of Police,
District Haridwar.
3- Station House Officer, P.S. Manglaur
District Haridwar.
4- Visal Singh A.S.D.M. Roorkee,
District Haridwar … Respondents.

Sri Navneet Kaushik, learned counsel for the petitioner.
Sri D.K. Sharma, learned G.A.

Coram: Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

Dated: 21.02.2006.

This writ petition has been filed with the prayer to issue a writ, order or direction in the nature of certiorari quashing the impugned F.I.R dated 23/24-7-2002, under Section 3/7 of Essential Commodties Act, registered at P.S. Manglaur, District Haridwar as well as stay of arrest of the petitioner.

2- Learned counsel for the petitioner submitted that the petitioner is not named in the F.I.R. but after three years of the incident the S.I. reached to him and asked that he will arrest him. Undisputedly the F.I.R. is against the Pradhan regarding the embezzlement and work was carried out by the petitioner, therefore, the petitioner can not escape his liability from the embezzlement. It is very much probable that the name of the petitioner must have been reported by some of the accused who is reported in the F.I.R. Therefore, we do not find any merit in this writ petition.

3- The Writ Petition is dismissed. The interim order dated 21-5-2005 is discharged. No order as to costs.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

ASWAL